

E.D.N.Y.-Bklyn  
08-cv-4874  
Azrack, M.J.

# MANDATE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11<sup>th</sup> day of March, two thousand fourteen.

Present:

Dennis Jacobs,  
Pierre N. Leval,  
Rosemary S. Pooler,  
*Circuit Judges.*

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Kingborn Morris, *et al.*,

*Plaintiffs-Appellees,*

v.

13-4251

Alle Processing Corp, *et al.*,

*Defendants-Appellants,*

Schreiber Processing Corp.,

*Defendant.*

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Appellants petition, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's May 2013 order, later modified by an October 2013 order, certifying Appellees' state law claims for class adjudication. For present purposes, we assume that the petition was timely filed in this Court. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

   

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

MANDATE ISSUED ON 03/11/2014